

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Palmetto Pharmaceuticals LLC,)
)
Plaintiff,)
)
v.)
)
AstraZeneca Pharmaceuticals LP,)
)
Defendant.)
_____)

Civil Action No. 2:11-cv-00807-SB

ORDER

This matter is before the Court on the report and recommendation ("R&R") of United States Magistrate Judge Jacquelyn D. Austin, which was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02(C)(7), D.S.C., and was filed on November 6, 2012. In the R&R, Magistrate Judge Austin recommends that the Court deny the Plaintiff's motion to dismiss the Defendant's invalidity counterclaim and to strike its invalidity affirmative defense.

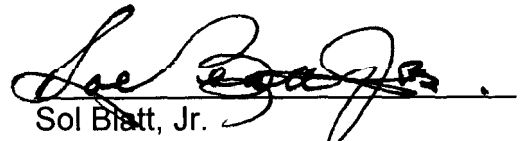
The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' ") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no party has filed objections to the R&R, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 84) as the Order of the Court, and it is

ORDERED that the Plaintiff's motion to dismiss the Defendant's invalidity defense and to strike its invalidity defense (Entry 84) is **DENIED**.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

December 3, 2012
Charleston, South Carolina

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